UNITED STATES: DRAFT CONVENTION ON THE REGULATION OF OCEAN DUMPING*
[June, 1971]

REGULATION OF TRANSPORTATION FOR OCEAN DUMPING CONVENTION

THE STATES PARTY TO THIS AGREEMENT,

Recognizing the importance of the marine environment to the human environment,

Considering the continuous increase in the use of the oceans as a dumping ground,

Noting that certain unregulated ocean dumping practices are known to have a toxic effect on marine life, reduce populations of fish and other economic resources, jeopardize marine ecosystems, and impair recreational and aesthetic values,

Aware that all States should, through coordinated action in international organizations and otherwise, increase research on and the study of the impact of ocean dumping on the marine environment,

Realizing that adequate protection of marine environment from pollution by waste can be materially advanced if the nations of the world adopt appropriate regulatory measures and enforce them,

AGREE AS FOLLOWS:

*[Reproduced from the text provided to International Legal Materials by the U.S. Department of State.
The draft convention was submitted by the United States to the U.N. Intergovernmental Working Group on Marine Pollution, meeting in London, June 14-18, 1971.*]
ARTICLE I

Each Party shall by law prohibit the transportation by any person from land under the jurisdiction of the Party of all material for the purpose of dumping such material in the oceans unless a general or special permit for the transportation and dumping of such material is granted under laws of the Party meeting the requirements of Article III of this Agreement. Laws prohibiting such transportation shall contain penalties sufficient to deter their violation.

However, nothing in this Convention shall be construed as abridging the sovereign immunity to which certain vessels and aircraft are entitled under international law.

ARTICLE II

In this Agreement,

(a) "Dumping" means any disposal of matter other than:

(1) discharge of effluent from an outfall structure,

(2) discharge of matter incident to or derived from the operations of vessels or aircraft and their equipment,

(3) discharge of matter necessary to prevent endangering human life at sea, or

(4) placement of matter for a purpose other than the disposal thereof.
(b) "Oceans" means oceans, seas, gulfs, bays, salt water lagoons, salt water harbors, and other coastal waters where the tide ebbs and flows, except, in any case, internal waters.

(c) "Person" includes any natural or legal person or entity or group thereof, and a national or foreign government or any instrumentality thereof.

(d) "Laws" includes decrees, regulations, and other acts having the force of law.

(e) "Material" means matter of any kind or description.

**ARTICLE III**

(a) If a Party desires to permit the transportation of material for the purpose of dumping in the ocean, it shall create an appropriate national mechanism which may be empowered to issue permits for such dumping, and shall advise every other Party and the Secretariat referred to in Article IV how the mechanism is constituted.

(b) No Party shall issue permits for the transportation of such material for dumping if the dumping thereof in the ocean would unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems, or existing or future economic use of the ocean.

(c) Each Party which desires to permit the transportation of such material for dumping shall establish criteria for the issuance of permits meeting the requirements of paragraph (b).
In establishing or revising such criteria, each Party shall consider, in addition to those matters referred to in paragraph (b), the possible persistence or permanence of the effects of the proposed dumping, the volume and concentration of materials involved, the location proposed for the dumping, and alternative methods and location for disposal, including impact on the public interest of the people of each Party. Each Party shall submit a statement setting forth its criteria to the Secretariat referred to in Article IV, which shall circulate the statement to all Parties. Any other state having laws establishing criteria for the issuance of such permits may also submit a statement setting forth such criteria to the Secretariat, and the Secretariat shall also circulate such statement to all Parties.

(d) Nothing in this Agreement shall prevent a Party's establishing criteria stricter than are required under paragraphs (b) and (c) of this Article.

**ARTICLE IV**

(a) There shall be a General Conference which shall consist of one representative of each Party and shall meet within one year after the entry into force of this Agreement and thereafter not less often than once every three years. The General Conference shall take decisions by the vote of two-thirds of the representatives present and voting. Each
representative may cast one vote. The General Conference shall have the following powers:

(i) to elect a Chairman and its other officers and to adopt rules of procedure including procedure for convening special meetings;

(ii) to accumulate information regarding the effects of various material upon the marine environment if dumped and to disseminate this information to all Parties and other interested States;

(iii) to make recommendations regarding the disposal of material permitted to be transported for dumping in the ocean by any Party or other State;

(iv) to recommend such other measures as may be necessary to insure the effective implementation of this Agreement, including the negotiation of agreements supplementary to this Agreement;

(v) to modify and adopt as its budget the estimates of the Secretariat and fix a scale of contributions in accordance with Article VI;

(vi) to approve amendments to this Agreement for submission to the Parties in accordance with Article VIII.

(b) The General Conference shall maintain or shall
arrange for the maintenance of a registry of materials permitted to be dumped in the oceans by any Party or other State. Each Party shall, not less than annually, report by kind, volume, and location, material permitted by it to be dumped, and any other State may report like information. Upon request of the General Conference, each Party shall, as far as possible and any other State may, furnish like information relating to material permitted by it to be dumped during any period not covered by its report. The information reported shall be recorded in the registry and shall be available upon request to each Party and any other State reporting such information.

(c) The Secretariat of the United Nations shall act as Secretariat to the General Conference.

**ARTICLE V**

Upon notice received by the Chairman of the General Conference from an international organization created as the result of conventions concluded at the Law of the Sea Conference to be convened pursuant to United Nations General Assembly Resolution 2750 C (XXV), all powers conferred upon the General Conference in Article IV shall be transferred to that international organization.

**ARTICLE VI**

The Secretariat shall submit to the General Conference budget estimates for expenses it may incur on behalf of the
General Conference and for other expenses of the General Conference. The General Conference shall apportion the expenses among the Parties in accordance with a scale to be fixed by it, following as nearly as possible the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations. No Party shall be assessed more than one-third such expenses.

**ARTICLE VII**

The General Conference, representatives of Parties to it, their alternates and advisers, and the Secretariat shall enjoy such privileges and immunities as are necessary to carry out the purposes of this Agreement; provided that nothing herein shall reduce the privileges and immunities to which any person might otherwise be entitled.

**ARTICLE VIII**

Amendments to this Agreement may be proposed by any Party. Each such amendment shall be circulated to all Parties by the Secretariat not less than 90 days before its consideration by the General Conference. If an amendment is approved by the General Conference, it shall be submitted to the Parties for acceptance in accordance with their respective constitutional processes. The amendment shall enter into force for the Parties accepting it when accepted by two-thirds of the Parties. The amendment shall enter
into force for Parties accepting it thereafter upon the date of such acceptance. Acceptance shall be effected by deposit of an instrument of acceptance with the depositary Government.

**ARTICLE IX**

Any Party may withdraw from this Agreement by instrument delivered to the depositary Government, which shall promptly inform all Parties. Withdrawal shall not affect a Party's budgetary obligations for the year in which it withdraws.

**ARTICLE X**

(a) This Agreement shall be open for signature by for a period of from . States shall become party to this Agreement by deposit of an instrument of ratification, acceptance or approval. This Agreement shall enter into force when instruments of ratification, acceptance or approval have been deposited by ten States.

(b) The depositary Government shall be the Government of . It shall promptly inform all States signatory or party to this Agreement of the date of each deposit of an instrument of ratification, acceptance, or approval and of the date of entry into force of this Agreement.

(c) The depositary Government shall register this Agreement pursuant to Article 102 of the Charter of the United Nations.